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ANSWER TO CLAIM REJECTIONS UNDER 35 USC § 103

Assuming the authors listed in the fourteen (14) references below have ordinary skill in the art to which ATM voting pertains, Claim 1 of 10/709,759 does not meet the basis for obviousness rejection as there is not a single mention of the idea of the present invention 10/709,759 Claim 1 in any of the references named below. In other words, if it were obvious, it should have been mentioned by one or more of these experts.

A) US-6,572,014; 06-2003; Lambert, Francis
B) US-6,722,562; 04-2004; Weiss, Roger E.
C) US-2002/0161628; 10-2002; Lane poor et al.
D) US-2002/0194060; 12-2002; Chernomorov, Serge A
E) US-2003/0052160; 03-2002; Glover, Marvin Joseph
F) US-4015106; 03-1997; Dephillio
G) US-4373134; 02-1983; Grace et al.
H) US-4641240; 02-1987; Boram
I) US-5878399; 03-1999; Peralto
J) US-6081793; 06-2000; Challener et al.
K) US-6607137; 08-2003; Morales
L) Chadisms Result From Floridation; 11-2000; Scott Ostler; San Fransisco Cronicle
M) One day, you might vote at an ATM; 12-2000; Jay MacDonald; Bankrate.com
N) Better voting with ATMs; 12-2000; Robert Silver; Detroit Free Press

Furthermore, it is quite common (Weiss) for one skilled in the art to mention transferring funds (controlled means of depositing money in accounts) as a preferred use and advantage of an ATM. We respectfully submit that the transfer of funds which directly represent votes, thereby utilizing the financial system "as is" in its entirety, is a novel and original idea. It is not as simple to modify the ATM software to accommodate generating, managing, and moving votes as it is to modify the ATM software to display the voting ballot and then transfer funds as usual and print the receipt, etc.

We respectfully observe that, not in any of the above references, can a simple teaching be found for "a system and method to transfer funds in local currency, from voter's secure bank account to candidate's secure bank account, as instructed by said voter, for the purpose of registering a vote for said candidate by said voter in an election" as described in 10/709,759 Claim 1. All further claims (2–10) of 10/709,759 are dependent and predicated upon Claim 1 and therefore are also original as defined in this system.

Please find below (3) three Prior Art examples which describe ATM voting and should invalidate Weiss Claims 1 through 18.

Prior Art 1:

Chadisms Result From Floridation, Scott Ostler, San Fransisco Cronicle, November 17th, 2000;

Right now we're counting votes with machines so klunky that it's like performing brain surgery with a Swiss Army knife.

We've got infinitely better machines on every street corner. When was the last time your ATM made a mistake and wiped out your entire savings account?

There is a movement afoot, points out Jared A. Goldin, to establish ATM voting. The candidates' names are presented on-screen, you punch in your choice, the screen says, "You voted for Doofus McFudd. If that's your choice, punch 'Yes.' "

For backup verification, a printout for you and one for the polling place. Votes are counted by the same computer that's so sophisticated it can tell you in five languages that you're overdrawn.

Prior Art 2:

One day, you might vote at an ATM, Jay MacDonald, Bankrate.com, December, 20th 2000;

By Election Day 2004, you may be able to drop by a cash machine for some pocket money and cast your vote for president at the same time.

Fantasy? Maybe not.

As unlikely as it seems, the humble automated teller might prove to be an attractive alternative to hanging chads, butterfly ballots and the sundry other technological snafus of the 2000 presidential election.

Just two weeks after the election, Cash Technologies Inc., an e-commerce systems developer, announced it had added a voting application to its transaction processing system that would enable balloting at ATMs, point-of-sale terminals and Web sites. The voting system supports a variety of security protocols, including PINs, passwords, digital signatures and voting certificates, as well as such next-generation safeguards as fingerprint, iris and hand geometry scans.

Few doubt that the capability is there. The nation's quarter-million ATMs are already wired to electronic funds transfer (EFT) networks, their screen displays could be easily adapted for balloting purposes, and they are more secure and less vulnerable to fraud and sabotage than the telephone or the Internet. Unlike current creaky voting contraptions, cash machines are ubiquitous, dependable workhorses that are used and trusted by millions of Americans daily.

'A very secure way to go'

"As a technology, obviously an ATM machine could make sense," according to Johann Dreyer, executive chairman of Mosaic Software, an electronic funds transfer developer in Deerfield Beach, Fla. "It has the capability to present the user something on the screen that allows them to cast their ballot in a touch-sensitive way in a secure environment. You could get a voter to register, give them a unique PIN number tied to their Social Security number, and that would be a very secure way to go about it."

Granted, there would be obstacles. Linking hundreds of ATM networks with widely varied technologies to serve as electronic ballot boxes once or twice a year would require a significant investment of time and capital. So, too, developing the protocols to enable federal, state and local balloting by ATM location also would be a challenge. And someone would have to strike a deal with ATM owners -- specifically banks and independent sales organizations -- to make it worth their while to configure their machines.

But when measured against the steep hardware cost to buy new, dedicated machines and the development cost to establish a national electronic voting infrastructure from the ground up, the real question might be, if not ATMs, then what?

Building a better ballot box

Since the showdown in Florida, at least half a dozen voting-reform bills have been introduced in Congress to overhaul, update and streamline the way we choose our political leaders. Most take

particular aim at the antiquated punch card and lever voting methods that have been in use (or misuse) for generations.

Looking for a better bank? Check for the best deal in your area.

"We vote as if we still live in the 19th century," says Sen. Charles Schumer, D-N.Y., author of the bipartisan Voting Study and Improvement Act of 2000. It calls for $10 million to explore alternative voting methods, including vote by mail, vote by Internet and computerized voting machines.

Clearly, a change is imminent. In all likelihood, you have yanked your last lever and punched your last punch card -- baseball and basketball all-star balloting aside, of course.

So how will we vote for president in 2004?

Ann All, editor of the trade publication ATM Marketplace, thinks ATMs could be a serious contender.

"Over time, the existing ATM infrastructure has proven to be rock solid as far as security is concerned," she says. "Right now, you're making financial transactions on it. Granted, your vote is important, but if you're willing to actually make electronic transactions with your money, I would think you would feel comfortable placing your vote on that same system."

Automatic for the people

What's more, ATM voting is not that farfetched.

In October, Brazil held its first fully automated nationwide election at 326,000 ATM-like kiosks covering an area larger than the United States. Some locations deep within the Amazonian jungle even lacked reliable electricity; terminals running on 12-hour batteries did the trick there.

The voting terminals, about the size of a toaster, display a photo of each candidate the voter selects. The voter presses a green button to confirm the vote, an orange button to amend it or a white button to abstain (voting is required by law in Brazil). The visual cues are especially important in a country where one-fifth of the population is illiterate.

Was there still political corruption in the former dictatorship? Sure.

But nobody questioned the accuracy of the count.

Diebold Inc., the leading U.S. manufacturer of ATMs, acquired the Brazilian company that built the voting machines in late 1999. Weeks later, the Brazilian elections tribunal awarded the company the largest order in Diebold's history, a $106 million contract for 186,800 additional voting terminals. That's $567 for each terminal.

Following the Bush-Gore photo finish, Diebold quickly hustled a few of its voting toasters to Palm Beach County to capitalize on the unexpected North American marketing opportunity.

Not enough safety in the 'Net

America is far from the Amazonian jungle, of course. Here, we do not have mandatory voting; indeed, barely half our populace bothers to cast a ballot. Whatever form voting takes next, there is little doubt that our elected officials intend to make it easier, not harder, to participate.

Which makes another potential electronic voting solution -- the Internet -- a real dilemma. Still not fully trusted for secure transactions such as banking or shopping, beset by intermittent hacker attacks, plagued by its own enormous potential, the Internet is at once an obvious answer to an electronic national referendum -- and the least likely solution. How to guarantee one person, one vote over the 'Net is still anybody's guess.

Compared to the Internet, Dreyer thinks the public would prefer voting at the ATM.

"I'm fairly convinced of that," he says. "Internet voting would by far be the most convenient. People do their taxes over the Internet and nobody worries about that. But voting over the Internet is a psychological issue. Nobody is going to try to do your taxes on your behalf."

Prior Art 3:

Better voting with ATMs, Robert Silver, Detroit Free Press, December 18, 2000;

IN 1969, after the United States put men on the moon, that event became a benchmark for solving other problems. The phrase "If we can put a man on the moon, why can't we BLANK?" became part of our culture. A person would then fill in the blank with their favorite problem, such as, "cure cancer," "solve the homeless problem," "eliminate racism," and so forth.

Well, here's another one: "If we can put a man on the moon, why can't we count votes more accurately?"

We do have a problem in this country when it comes to counting votes, as demonstrated by the recent events in Florida.

Luckily, there exists a system with the potential for counting votes more accurately with fewer mistakes: automated teller machines.

The Federal Election Commission has defined two types of voting machines, P&M (punch card and marksense, an optical mark reader) and DRE (direct recording electronic). Because of the Florida debacle, we now know the limits of P&M systems. ATM machines are DRE devices, which have a higher rate of accuracy and ease of use -- and no hanging or dimpled or pregnant chads to argue over.

Four obvious benefits of using the existing ATM system for voting are: It is a secure system (millions of dollars are transacted daily), there are over a half million of them around the world (so there's no need to buy new machines), a large segment of the population already knows how to use ATMs, and recounts would be eliminated because there are no ballot cards.

Some not-so-obvious benefits are that it would lessen the amount of absentee ballots. A U.S. citizen could vote from anywhere in the world where an ATM is located, with their selections tallied as easily, quickly and accurately as a person voting within the United States.

In addition, the voting would not have to be done all in one day, which could increase voter turnout. It could be done over a period of time preceding Election Day. The results from each state could be immediately tallied and presented to the media after all the votes are counted.

How would it work? Each state would issue a voting card in the same way some do now. Like a credit card, it would be inserted into any ATM. Each voter would have a personal identification number, just as ATM users have now to take out funds. Candidate options would appear on-screen, and the voter's selection would be recorded. The card could either be destroyed or saved and used in future elections, depending on the requirements of the state.

Would there be problems? Yes.

The technical problems would probably be the easiest to solve. ATMs are basically computer terminals attached to a network by telephone lines, so mechanical failures could be addressed by technicians. But what about the ATM industry? Would it participate? It would have to be compensated for the reprogramming and use of its system.

Legal problems are harder to solve. Present election laws were enacted prior to the invention of digital technology. Some of the bugs in the system would have to be worked out in the courts.

Political problems are the hardest to deal with in a society as diverse as ours. Some voters will surely feel disenfranchised. How would some handicapped people vote? How about those who have never used an ATM and are not familiar with their use? What happens if, once again, the popular vote is a squeaker?

I don't think we should let these concerns keep us from trying ATM voting machines, because perhaps in the not-too-distant future, the new benchmark phrase will be, "If we can solve the vote-counting problem, why can't we BLANK?"

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6,722,562   Roger E. Weiss

Claim 1

A method for secure electronic distributed voting using existing automated teller machines (ATMs), comprising;

issuing each voter a voter identification that can be input into an ATM:

enabling the ATMs to receive the voter identifications;

in response to the receipt of a voter identification displaying at the ATM information relating to the vote to be cast;

allowing the user to cast votes using one or more ATM functions;

identifying a particular ATM function as an indication of finalization of the vote; and
in response automatically tallying the finalized vote.

Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 2

The secure electronic distributed voting method of claim 1, wherein the voter identification comprises an access card and a personal identification number (PIN).

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 3

The secure, electronic, distributed voting method of claim 1, wherein the voter identification and encodes at least the voter's voting district.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 4
The secure, electronic, distributed voting method of claim 3, wherein the voter identification also includes the voter's name.

Indirectly dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 5
The secure, electronic, distributed voting method of claim 4, wherein the voter identification also includes the voter's address.

Indirectly dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 6
The secure, electronic, distributed voting method of claim 5, wherein the voter identification also includes the voter's party affiliation.

Indirectly dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 7
The secure, electronic, distributed voting method of claim 1, wherein the information relating to the vote to be cast comprises candidate names.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 8
The secure, electronic, distributed voting method of claim 1, wherein the information relating to the vote to be cast comprises issues to be voted upon.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 9
The secure, electronic, distributed voting method of claim 1, where in the ATM function indicating vote finalization is a push of the "accept" key.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 10
The secure, electronic, distributed voting method of claim 1, further comprising displaying or printing voting selections before their finalization.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 11
The secure, electronic, distributed voting method of claim 10, wherein voting selections are printed using that ATM receipt printer.

Indirectly dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 12
The secure, electronic distributed voting method of claim 1, wherein allowing the user to cast votes using ATM functions includes providing user control over scrolling through the ATM display screens.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 13
The secure, electronic, distributed voting method of claim 1, further comprising disabling further use quote the access card to access voting information, upon the tallying all the finalized vote.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 14
The secure, electronic, distributed voting method of claim 1, further comprising establishing an account for each candidate and wherein automatically tallying the finalized the comprises depositing into the account each finalized vote for the candidate.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 15
The secure, electronic, distributed voting method of claim 1, further comprising allowing the user to enter the name of a write-in candidate.

Dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 16
The secure, electronic, distributed voting method of claim 15, wherein allowing the user to enter the name of a write-in candidate comprises enabling use of ATM functions to enter letters of the alphabet.

Indirectly dependent upon Claim 1 - Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 17
A method for secure, electronic, distributed voting using existing automated teller machines (ATMs), comprising:

issuing each voter a unique voter identification that can input into an ATM, wherein the voter identification encodes at least the voter's name and voting district;

enabling the ATMs to accept the odor identifications;

in response to the receipt of a voter identification, displaying at the ATM information relating to the vote to be cast, wherein the information relating to the vote to be cast comprises at least candidate names;

allowing the user to cast votes using one or more ATM functions;

displaying or printing voting selections before their finalization;

identifying a particular ATM function as an indication of finalization of the vote;

in response, automatically tallying the finalized vote; and

in response, disabling further use of the voter identification to access voting information.

Weiss says nothing here about transferring funds from one bank account to another bank account.

Claim 18
A method for secure, electronic, distributed voting using existing automatic teller machines (ATMs), comprising;

issuing each voter and access card that can be read by an ATM, and a personal identification number (PIN), wherein the access card and codes at least the voter's name and voting district;

enabling the ATMs to read access card and accept PINs:

in response to the reading of an access card and appropriate PIN entry, displaying at the ATM information relating to the vote to be cast, wherein the information relating to the vote to be cast comprises at least candidate names;

allowing the user to cast votes using one or more ATM functions:

allowing the user to enter the name of a write-in candidate;

establishing an account for each candidate;

identifying a particular ATM function as an indication of finalization of the vote;

automatically depositing into the account each finalized vote for the candidate; and
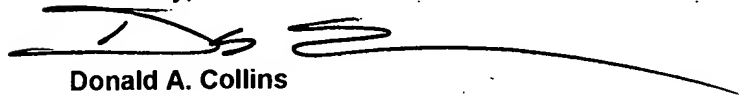
in response, disabling further use of the access card to access voting information.

Weiss says nothing here about transferring funds from one bank account to another bank account.

CONCLUSION:

1) **Patent is not obvious to those skilled in the art**
2) **Weiss is invalid by prior art**
3) **Weiss does not teach invention 10/709/759**

Sincerely,

Donald A. Collins
Inventor

11/26/04